

---

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

---

UNITED STATES OF AMERICA	:	Hon. Cathy L. Waldor
	:	
	:	Mag. No. 15-7189 (CLW)
	:	
v.	:	
	:	
	:	<b><u>CRIMINAL COMPLAINT</u></b>
	:	
SAMUEL RAHAMIN TOPAZ	:	

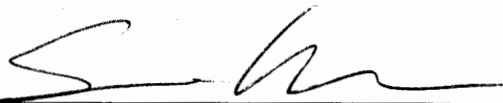
I, Suzanne Walsh, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

**SEE ATTACHMENT A**

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

**SEE ATTACHMENT B**

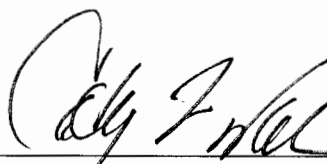
continued on the attached pages and made a part hereof.

  
\_\_\_\_\_  
Suzanne Walsh, Special Agent  
Federal Bureau of Investigation

Sworn to before me, and  
subscribed in my presence

June 18, 2015 at  
Newark, New Jersey

Honorable Cathy L. Waldor  
United States Magistrate Judge

  
\_\_\_\_\_  
Signature of Judicial Officer

**ATTACHMENT A**

From in or about October 2014 to the present, in the District of New Jersey, and elsewhere, defendant

SAMUEL RAHAMIN TOPAZ

did knowingly and willfully conspire and agree with Co-conspirator 1 ("CC-1"), Co-conspirator 2 ("CC-2"), Co-conspirator 3 ("CC-3"), and with others, to provide material support and resources, as defined in Title 18, United States Code, Section 2339A(b), including services and personnel, to a foreign terrorist organization, namely the Islamic State of Iraq and the Levant, knowing that the organization was a designated terrorist organization, and that the organization had engaged and was engaging in terrorist activity and terrorism.

In violation of Title 18, United States Code, Sections 2339B(a)(1).

**ATTACHMENT B**

STATE OF NEW JERSEY       )  
  )  
COUNTY OF ESSEX       )       ss.

I, Suzanne Walsh, being duly sworn, depose and say:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), and have been for approximately 11 years. I am currently assigned to the Joint Terrorism Task Force ("JTTF") and have worked on investigations relating to international terrorism and violent extremists since in or about 2006. My experience as a Special Agent has included the investigation of cases involving the use of computers and the Internet to commit terrorism related offenses. I have received training and have gained experience in interview and interrogation techniques, arrest procedures, obtaining electronically stored information through criminal process, search warrant applications, and the execution of searches and seizures. I have also received training and information, and gained experience concerning terrorism crimes, as well as the tactics, techniques, and procedures used by terrorism suspects to evade detection. I have personally participated in the execution of search warrants involving the search and seizure of computers and electronically stored information.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and execute warrants issued under the authority of the United States.

3. I make this affidavit in support a criminal complaint charging defendant SAMUEL RAHAMIN TOPAZ ("TOPAZ") with conspiring with CC-1, CC-2, CC-3, and with others, to provide material support and resources to a foreign terrorist organization in violation of Title 18, United States Code, Section 2339B.

4. The information contained in this affidavit is based upon my personal knowledge and observation, my training and experience, conversations with other law enforcement officers, witnesses and DEFENDANT TOPAZ, and the review of documents and records.

5. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the Criminal Complaint, I have not included every detail of every aspect of the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause for the Criminal Complaint. Unless specifically indicated, all conversations and statements described in this affidavit are related in substance and in part. Dates of events in this affidavit are asserted as having occurred on or about the asserted date.

#### **PROBABLE CAUSE**

##### **A. Biographical Details and Overview of the Conspirators**

6. TOPAZ is a 21-year-old citizen of the United States and is currently a resident of Fort Lee, New Jersey.

7. CC-1 is a 20-year-old dual citizen of the United States and the Kingdom of Jordan, and until May 5, 2015 was a resident of Rutherford, New Jersey.

8. CC-2 is a 20-year-old citizen of the United States and until recently was a resident of Queens, New York. On June 13, 2015, CC-2 was arrested by the FBI/JTTF and charged in a criminal complaint filed with United States District Court for the Eastern District of New York with conspiring to provide material support to a foreign terrorist organization.

9. CC-3 is a 23-year-old dual citizen of the United States and the Kingdom of Jordan, and is currently a resident of New Jersey.

**B. Overview of ISIL**

10. As a Special Agent of the FBI assigned to the JTTF, and based on my discussions with other federal agents, as well as my education, training, and experience, together with my review of open source information, I am aware of the following information:

a. On October 15, 2004, the United States Secretary of State designated al-Qa'ida in Iraq (AQI), then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under Section 1(b) of Executive Order 13224.

b. On May 15, 2014, the Secretary of State amended the designation of al-Qa'ida in Iraq ("AQI") as a Foreign Terrorist Organization ("FTO") under

Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under Section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant ("ISIL") as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al-Sham ("ISIS"), the Islamic State of Iraq and Syria ("ISIS"), ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. Although the group has never called itself "Al-Qaeda in Iraq (AQI)," this name has frequently been used to describe it through its history. To date, ISIL remains a designated FTO.

c. ISIL is a violent foreign terrorist organization that has carried out mass executions, extrajudicial killings, and kidnappings targeting civilians. ISIL has killed and maimed children and committed rape and other forms of sexual violence.

d. ISIL continues to operate in Iraq and Syria in its effort to establish an Islamic state in those countries. In or about 2014, ISIL began referring to itself as the "Islamic State" and declared that it had established an Islamic caliphate in Iraq and Syria and has since urged Muslims to travel there to support ISIL's efforts to secure the territory ISIL claims to control.

e. ISIL has recruited thousands of foreign fighters to Iraq and Syria from across the globe and used technology to spread its violent extremist ideology and to incite others to commit terrorist acts in other countries.



Numerous news reports have documented this activity and ISIL's use of propaganda videos to attract recruits. ISIL's recruiting videos show its fighters with assault rifles and other weapons and graphically depict them executing individuals it has captured.

f. Frequently, individuals who travel to join ISIL enter Syria by crossing the border from Turkey. Foreign fighters from Western countries often travel to locations in Turkey, including Istanbul, and then travel to towns close to the border with Syria where they are led or smuggled into Syria to join ISIL.

g. ISIL has published guidebooks containing tactics, techniques and procedures for its supporters to allow them to evade official scrutiny and potential arrest should they attempt to travel to Syria and Iraq. One technique is to avoid flying directly to Syria or Iraq, as well as to Turkey because its border with Syria has become known as a successful crossing point for numerous ISIL recruits. Another recommended tactic is to use a "cover story" of the kind that ISIL instructs foreign fighters to employ if questioned. ISIL also recommends that Western recruits present themselves as tourists so that they can pass scrutiny of officials as they travel to Syria and Iraq.

**C. Person A Reports Information  
to the FBI/JTTF about TOPAZ, CC-1, and CC-2**

11. On January 17, 2015, the FBI/JTTF interviewed a New Jersey resident who has maintained a personal relationship with DEFENDANT TOPAZ for several years ("Person A"). Person A advised the FBI/JTTF of the following:

a. Person A was worried about DEFENDANT TOPAZ because of “what is going on overseas.” Person A was also concerned about two of DEFENDANT TOPAZ’s friends and is afraid that DEFENDANT TOPAZ’s friends might convince him to travel overseas and “do something stupid.” As a result, Person A took DEFENDANT TOPAZ’s passport and hid it.

b. Person A could not identify DEFENDANT TOPAZ’s two friends by name but said they lived on a certain street in Fort Lee, New Jersey, which matches where CC-1 and CC-3 lived until recently. In addition, Person A provided phone numbers for the friends, which subsequent investigation revealed matched CC-3’s phone number and CC-1’s phone number except for one digit.

12. On April 15, 2015, Person A was interviewed again by the FBI/JTTF and provided the following information:

a. Person A continues to be concerned about DEFENDANT TOPAZ’s friends influencing him, including an individual later identified as CC-1. On this date, CC-1 and DEFENDANT TOPAZ were together as recently as the day before.

b. Two weeks earlier (approximately), DEFENDANT TOPAZ brought a male individual, later identified as CC-2, to Person A’s home who stayed the night. CC-2 and DEFENDANT TOPAZ prayed together several times while in Person A’s home. CC-2 made Person A feel very uneasy around him.



c. CC-1 and CC-2 are “trying to recruit” DEFENDANT TOPAZ and are “preying” on DEFENDANT TOPAZ’s insecurities and “pain.” DEFENDANT TOPAZ has become distant from his high school friends who were a good influence on him.

d. Person A took DEFENDANT TOPAZ’s passport away but DEFENDANT TOPAZ asked for it back because he said he needed it to get a driver’s license.

13. On May 1, 2015, Person A was interviewed again by the FBI/JTTF and provided the following information:

a. Person A has been trying to persuade DEFENDANT TOPAZ to attend community college but DEFENDANT TOPAZ refuses to do so because he does not see a future for himself in the United States. DEFENDANT TOPAZ also stated that “they” promised him \$7000 a week and that he could have four wives. Person A believes that DEFENDANT TOPAZ is referring to overseas, either Iraq or one of the other Middle East countries. DEFENDANT TOPAZ keeps saying it is a rich country because “they” are “taking over everything.” DEFENDANT TOPAZ has been praying “night and day” and also fasting.

b. DEFENDANT TOPAZ currently has his passport back but has not obtained a driver’s license as he said he would. Person A is afraid to ask for the passport because DEFENDANT TOPAZ is talking about going overseas and Person A doesn’t want to make DEFENDANT TOPAZ angry to the point that he will not confide in him/her anymore.

c. One week earlier, CC-1 showed up at Person A's home at 3:00 a.m. and he and DEFENDANT TOPAZ started praying and calling each other brother. Person A told CC-1 to leave DEFENDANT TOPAZ alone and that he was causing problems in DEFENDANT TOPAZ's family. CC-1 showed up again the following day.

d. CC-1 kept showing DEFENDANT TOPAZ videos "of what is going on overseas."

e. Person A overheard CC-1 and DEFENDANT TOPAZ talking in a happy way about the fact that "they" took over a town and the people are so scared that the police even left their uniforms in the middle of the street.

f. CC-1 and DEFENDANT TOPAZ discussed obtaining a credit card for DEFENDANT TOPAZ.

g. DEFENDANT TOPAZ recently deleted his Facebook account.

h. CC-1 was influencing DEFENDANT TOPAZ, but Person A believes CC-2 is the "leader."

i. CC-1 indicated he was leaving the following week (*i.e.*, the week of May 3, 2015), in order to travel to Jordan to visit his parents. Person A believes that there is a larger group who are all traveling overseas. Person A believes that DEFENDANT TOPAZ still has intentions to go overseas but does not know when.

**D. CC-3's Assistance to CC-1 in Obtaining Money and an Airline Ticket In Furtherance of the Conspiracy**

14. On April 30, 2015, a ticket was purchased in CC-1's name using CC-3's credit card on Royal Jordanian Airlines, Flight #262, scheduled to depart John F. Kennedy International Airport on Tuesday, May 5, 2015, at 10:30 p.m., to Queen Alia International Airport in Amman, Jordan. Earlier that day, law enforcement officials observed CC-3 drive CC-1 to a Western Union in Rutherford, New Jersey. Records from Western Union reveal that CC-1 picked up \$233.77 (USD) that had been wired to him from Oman by his father. Video of the transaction at the Western Union shows CC-3 with CC-1 when he picked up the money.

**E. CC-1's Travel to Jordan on May 5, 2015**

15. On May 5, 2015, CC-1 made his final preparations for his trip while at a residence in New Jersey. CC-3 and CC-2 were present at that time.

16. A few hours before CC-1's flight, CC-1, CC-2, and CC-3 came out of the residence and got into the car driven by another individual ("Driver") and they all set out for the airport. During the drive to the airport, CC-1, CC-3, and CC-2 made several statements about their plans to travel abroad together, which were lawfully recorded by the FBI/JTTF. Specifically, the following exchange occurred during the car ride:

CC-1: I love you, [Driver's Name].

Driver: I love you too. I'm gonna miss you so much...  
[To CC-2] You going to miss him too?

CC-2: Yeah. Well we're gonna see each other soon -

CC-1: Exactly. We're gonna see each other soon. All of us. Insh'allah [*transl.* "God willing"].

A few minutes later, CC-3 stated that when he leaves the United States he is never coming back. Then the following exchange occurred:

Driver: [To CC-2] So are you going back to Jordan at some point?

CC-2: Ah –

CC-1: Very soon.

Driver: Very soon? When?

CC-1: He doesn't know exactly.

CC-2: A few months maybe.

Driver: Really?

CC-1: No. A few weeks.

CC-2: [Chuckles].

Driver: A few weeks?

CC-1: [To CC-2] You better. You better come in a few weeks.

CC-2: A few weeks [stammers] A few months maximum. [stammers] Because I got to [stammers] People have to [stammers, and trails off]. I have promises to keep.

Driver: In Jordan?

CC-2: Here and in Jordan and other places.

CC-1: Yeah.

Driver: Cool. Where you gonna go?

CC-2: [Inaudible]

CC-1: Same place. Yeah. [CC-2] is gonna bring Sam [referring to TOPAZ], uh, and him [referring to CC-3], and our other brother [referring to an unidentified

male] too. We're trying to bring everybody and reunite each other.

CC-2: Like a holiday [Chuckles].

Driver: Really?

CC-1: Yeah.

Driver: Have all the guys –

CC-1: Like a holiday.

Driver: – there? For what holiday?

CC-1: Nah, nah. *Like* a holiday. We're gonna –

CC-2: It's *gonna* be a holiday. [Laughs].

CC-1: Yeah. It's gonna be awesome. Yeah, yeah. We're just gonna unite everybody, Insh'allah.

Driver: You guys all gonna be together . . . .

CC-1: Yeah . . . .

Throughout this conversation, CC-1 and CC-2 claimed that the place they, CC-3, DEFENDANT TOPAZ, and the unidentified male would be traveling to is Jordan.

17. Upon their arrival at the airport, CC-2 and CC-3 accompanied CC-1 into the terminal. CC-1 received his boarding pass and proceeded through security checkpoints to the gate. At approximately 9:40 p.m., CC-1 boarded his scheduled flight to Amman, Jordan, which later departed JFK as expected.

**F. Activities of DEFENDANT TOPAZ, CC-2, and CC-3  
Following CC-1's Travel to Jordan**

18. On May 6, 2015, the day after seeing CC-1 off on his flight, CC-2 travelled to New Jersey and met with DEFENDANT TOPAZ in Fort Lee and spent several hours with him in public and at DEFENDANT TOPAZ's residence.

19. On May 12, 2015, Person A spoke again with members of the FBI/JTTF. During the interview, Person A stated that when he/she asked DEFENDANT TOPAZ what he thought about ISIS (*i.e.*, ISIL), DEFENDANT TOPAZ responded that it was not bad because they are protecting what they believe in and that news in the United States is corrupted. Person A further stated that one of DEFENDANT TOPAZ's friends, later identified as CC-2, had been to Person A's house twice, that Person A had taken his picture, and that CC-2 left the house after his picture was taken and has not returned. Person A further stated that he/she had again taken DEFENDANT TOPAZ's passport and provided it to a third-person to keep it from DEFENDANT TOPAZ so that he could not use it to travel to join ISIL.

20. On May 21, 2015, court-authorized electronic surveillance revealed the following text exchange between CC-3 and DEFENDANT TOPAZ:

CC-3:	Yu [sic] Talk to my brother [referring to CC-1]?
DEFENDANT:	Nah I haven't, Ive [sic] been trying to talk to [CC-2] to see if he knows anything but he's not sure either[.]
CC-3:	Lay low[.]. And don't talk to nobody[.]



DEFENDANT: I know that bro[.] I've very very low and that's another thing bro[.] we gotta talk about hijra<sup>1</sup> but only when I see you obvi[.]

CC-3: When yu [sic] free[?]

DEFENDANT: Right now tbh [abbreviation for "to be honest"] anytime

CC-3: Yu don't work[?]

DEFENDANT: Not right now, My cousin wants me to work for him in the city down by canal st[.] I'll probably be working within a week[.] But I have money . . . [.]

Based on my training, experience, and knowledge of this investigation, I believe CC-3's direction to DEFENDANT TOPAZ to "lay low" and not to speak with anyone specifically refers to refraining from taking action in furtherance of the conspiracy to provide material support to ISIL that might be detected by law enforcement. I further believe that DEFENDANT TOPAZ's reference to "hijra" in this context and to having money indicates that DEFENDANT TOPAZ the intention to travel to join ISIL in support of the conspiracy. Notably, CC-3 did not ask DEFENDANT TOPAZ to explain what he meant by "hijra" or having money, which is consistent with CC-3 having knowledge of and being a member of the conspiracy to provide personnel and services to ISIL.

---

<sup>1</sup> "Hijra" is an Arabic word (commonly transliterated as "Hijrah") that literally translates into English as "migration." However, Your Affiant is aware that the term has been used by defendants in terrorism cases investigated by the FBI to refer to traveling from Western countries to join foreign terrorist organizations and violent extremist groups. Additionally, one of the English-language manuals released by ISIL in 2015 containing guidance for Western recruits to evade detection feature "Hijrah" in the manual's title.

21. On May 31, 2015, CC-2 and DEFENDANT TOPAZ exchanged multiple text messages and phone calls about meeting one another that day in lower Manhattan. Specifically, CC-2 directed DEFENDANT TOPAZ to arrive by a particular time and to meet him at a subway station a few blocks from the World Trade Center. DEFENDANT TOPAZ later confirmed his arrival in Manhattan and reconfirmed the meeting location with CC-2.

**G. Additional Information Demonstrating the Conspiracy to Provide Material Support to ISIL and Corroborating Person A**

22. As summarized below, various sources of information, including electronic communications, social media postings, CC-1's Internet search and browsing activity, and pen register data and toll records further demonstrate the Subjects' conspiracy to provide recruiting services and personnel to ISIL. This information also corroborates the statements of Person A.

*Electronic Communications*

23. On June 17, 2015, FBI/JTTF personnel executed search warrants at DEFENDANT TOPAZ's residence in Fort Lee, New Jersey and interviewed him. Pursuant to this legal authority, members of law enforcement searched his cellular phone (the "Topaz Phone"). A cursory review of the Topaz Phone has revealed numerous communications, including communications related to DEFENDANT TOPAZ's efforts, plans, and intent to travel to Iraq and/or Syria for the purpose of joining ISIL. For example:

a. On May 1, 2015, DEFENDANT TOPAZ discussed CC-1's plan to travel and join ISIL over the Topaz Phone. CC-1 sent a message stating that

he would be leaving in a few days and asked, “[d]id you do what i [sic] advised you to do.” DEFENDANT TOPAZ responded, “I’m saving my money for it bro trust me I got it.”

b. On May 3, 2015, just two days before CC-1 left the United States, DEFENDANT TOPAZ and CC-2 exchanged the following messages. CC-2 wrote, “I’m seeing [CC-1] tomorrow” and then CC-2 asked DEFENDANT TOPAZ to join them. CC-2 further stated, “we can’t discuss ur [sic] “trip” without u [sic].”

c. The next day, on or about May 4, 2015, DEFENDANT TOPAZ sent the following message to CC-2:

And bro I’m not sure how much longer I can take not being in the dawla [*transl.* “state,” referring to ISIL] honestly, everything is so accessible and unchangeable and excessive in America that I feel any much longer I’m over here I might just start fasting to get much closer to God . . . . And I can’t be any more serious like I’m beyond frustrated with everything.

CC-2 replied that DEFENDANT TOPAZ’s feeling was shared by “all of us” before adding: “It takes us less than one day to reach dawla [*transl.* “state,” referring to ISIL] from when we board the plane at JFK airport to making sujud [referring to a daily Islamic prayer] in the Islamic land.” DEFENDANT TOPAZ then stated that he had his passport but needed cash to purchase his ticket. CC-2 replied, “My trip is looking months away[.] if u can take a loan out for 5k or even 2.5k then ur [sic] good, they take US dollars in dawlah [*transl.* “state,” referring to ISIL] so u can eat and buy stuff, and they provide u with housing when u reach the land of Islam.” DEFENDANT TOPAZ thereafter asked: “Will we all be

communing together Insha' Allah [*transl.* "God willing"] in Turkey before going to dawlah [*transl.* "state," referring to ISIL][?] Just curious because I want to meet the other brothers Insha'Allah[.]” CC-2 replied, “Most likely [CC-1] will be there first, i will stay in contact with him, in sha Allah, and then we will one by one meet at a spot agreed on.” CC-2 added, “you can walk easy into Turkey.” DEFENDANT TOPAZ replied, “Word up . . . it should be a breeze[.]” CC-2 then wrote: “[a]fter [CC-1] leaves, U [sic] Me and [CC-3] are gonna meet up to talk about getting u guys across, . . . Then ur [sic] gonna enter the land of no music, and no Preverts [sic] taking girls out to violate them, no intoxication, no Filth, period! Allahu akbar! [*transl.* “God is the greatest”].

d. On May 15, 2015, over the Topaz Phone, DEFENDANT TOPAZ wrote a message to CC-2. In this message, DEFENDANT TOPAZ stated “I’m trying to get everything together for hijra<sup>2</sup> but the money isn’t coming fast[,] Akh [*transl.* “brother”]. DEFENDANT TOPAZ added that he was trying to work at a relative’s restaurant to earn money to “make hijra soon.”

e. On June 15, 2015, over the Topaz Phone, DEFENDANT TOPAZ exchanged messages with another individual. That individual wrote

---

<sup>2</sup> As noted in footnote 2 above, based on my training and experience, and knowledge of the investigation, I believe that “hijra” means to migrate or travel and that, in this context, DEFENDANT TOPAZ and CC-2 were referring to traveling to the region of Iraq and Syria controlled by ISIL. As discussed in paragraph 32 below, DEFENDANT TOPAZ stated to the FBI/JTTF this was what he and his co-conspirators meant when using the term “hijra.”

that CC-2 had not been responding to text messages or answering his phone.<sup>3</sup> DEFENDANT TOPAZ wrote that he was unable to reach CC-2, and when he tried to call CC-2 the phone just hung up. DEFENDANT TOPAZ then wrote, “We gotta leave ASAP.” Later in this exchange, that individual responded, “Well all I know is that we gotta meet soon before anyone else suddenly disappears[.]”

24. A search warrant for one of CC-1’s social media accounts revealed the following communications between CC-1 and CC-2:

- On November 25, 2012, a discussion related to Anwar Al-Awlaki (“Al-Awlaki”)<sup>4</sup> in which CC-1 stated: “America killed him [referring to Al-Awlaki].” CC-2 responded: “then amreeka [referring to the United States of America] shale [sic] burn[.]”
- On March 12, 2013, a discussion related to the nascent Syrian civil war in which CC-1 and CC-2 stated that the recent events signaled the coming of “the end.” They discussed the Mahdi – the prophesied redeemer of Islam who would arise before the Day of Judgment. CC-1 stated how he and CC-2 have been “chosen to be the army of the “M[a]hdi . . . [.]”. They then discussed building “small army” that would include their friends. CC-1 stated he wanted to be general in

---

<sup>3</sup> As noted above, CC-2 was arrested on June 13, 2015. Media reports related to his arrest appeared for the first time on June 15, 2015.

<sup>4</sup> Al-Awlaki was a dual citizen of the United States and Yemen, and an Islamic lecturer and a leader within AQAP, a Yemen-based terrorist group that had claimed responsibility for terrorist acts against targets in the United States, Saudi Arabia, Korea, and Yemen since its inception in January 2009. Pursuant to a Presidential Executive Order, Al-Awlaki was designated by the United States as a “Specially Designated Global Terrorist” on July 12, 2010. Al-Awlaki was reportedly killed in Yemen on September 30, 2011. Al-Awlaki’s lectures have advocated for Muslims in the West to engage in violent jihad without waiting to receive sanction or tasking from a leader or established group.

the Mahdi's army and CC-2 stated he wanted to be the lead weapons maker/designer for it. CC-2 added: "think of it, it will prob[a]bly be like 2-4 yrs from now, we will be in the prime of our lives[.]"

- On June 18, 2013, a discussion about a leak of information concerning the National Security Agency and certain Internet service providers in which CC-2 claimed one provider gave "all of its information" to the United States government. In response, CC-1 stated "man I feel[ ] its really hop[e]less to try to oppose these people (apparently referring to the United States government)[.]" CC-2 responded by stating "What can we do?" and "really want to leave this country[.]" In turn, CC-1 stated: "in shaa ALLAH [*transl.* "God willing"] why leave[?] **we already infiltrated**" (emphasis added). CC-2 responded: "Truu [an apparent misspelling of "true"][.] Now we finish this conversation in person[.]"
- On June 27, 2013, CC-1 sent CC-2 a photograph of Usama Bin Laden that was taken when he was a young man. In response, CC-2 stated that this photo is "another reason they [apparently referring to the United States government] should think im a terrorist[.]"
- On January 29, 2014, a discussion in which CC-2 stated he (CC-2) has been watching lectures by Al-Awlaki and in which CC-1 responded that he (CC-1) has watched "almost all of his lectures." In this exchange, CC-2 stated that Al-Awlaki did nothing other than give lectures and this was the reason Al-Awlaki was killed.

#### *Social Media Postings*

25. Your Affiant has reviewed DEFENDANT TOPAZ's Facebook account, which revealed "selfies" (photos taken by DEFENDANT TOPAZ of himself) of DEFENDANT TOPAZ wearing head and face coverings similar to those worn by jihadist fighters. DEFENDANT TOPAZ captioned the selfies with the following message: "Which assassin am I, or am I all of them?" Also observed on DEFENDANT TOPAZ's Facebook page were messages that confirmed DEFENDANT TOPAZ's intention to travel soon to the Middle East. In those messages DEFENDANT TOPAZ stated that he intends to travel to Jordan,



however, your Affiant respectfully submits based on all of the facts set forth in this Affidavit there is probable cause to believe that this is not true and that DEFENDANT TOPAZ is employing a cover story to hide his true intention to travel to territory that ISIL claims to control and provide material support to ISIL. The use of such cover stories is recommended by ISIL to its recruits to help them evade detection and has been seen in other FBI/JTTF investigations involving individuals who travel from Western countries to provide material support to terrorist organizations

26. The FBI/JTTF has reviewed social media postings by CC-2 that revealed his violent jihadist ideology and in particular his support for ISIL. For example, on or about September 10, 2014, CC-2 posted<sup>5</sup> the following message on a social media service: "i fear AQ could be getting too moderate." I believe that "AQ" is used to refer to al-Qaeda. On or about February 3, 2015, CC-2 posted, "Subhan Allah [*transl.* Glorious is God]", IS [referring to ISIL] is known for their high end videos, great weaponry, and quality fighters." In another posting on or about the same day, CC-2 wrote "Khilafah [*transl.* "caliphate," referring to areas of Syria and Iraq claimed by ISIL to be under its control] offers us to live under the laws Allah prescribed for us, if we fear him we would rush to the land to be governed by it." In other tweets in January and February 2015, CC-2 expressed support for the attack in Paris on the staff of a

---

<sup>5</sup> To publish these messages, CC-2 used accounts that, according to Internet Protocol information were created at CC-2's verified home address.

satirical magazine; the execution of the Jordanian Air Force pilot by ISIL; the beheading of a Korean journalist by ISIL; and the establishment of an ISIL military presence and Sharia law in New York City.

*CC-1's Internet Search and Browsing Activity*

27. A search warrant revealed records of Internet search and browsing activity attributable to CC-1. Those records included the following activity, among others:

- On June 29, 2014, a visit to a web page containing an article containing "new rules" issued by ISIS for those living under their control in the caliphate;
- On January 26, 2015, a visit to a web page containing an online encyclopedia article on "Ansar al-Islam," a foreign terrorist organization designated by the United States Department of State on March 22, 2004, which, according to open sources is active in Iraq and Syria and has fought against coalition forces allied with the United States;
- On January 28, 2015, a visit to a web page containing a video of a speech given Al-Awlaki titled "The Dust Will Never Settle Down." In the speech Al-Awlaki urged the killing of any individual who spoke against or defamed the Prophet Mohammed. "Harming [by defamatory words] Allah and his Messenger is a reason to encourage Muslims to kill whoever does that."
- Between February 6 – 16, 2015, searches relating to ISIL's execution of a Jordanian Air Force pilot by burning him alive.
- On February 16, 2015, a visit to a web page containing graphic video of the pilot's murder by ISIL militants.
- On March 2, 2015, a search for the term "ISIS" and a visit to a page on the website of a New York-based newspaper aggregating articles related to ISIL.

- Between April 19 – 20, 2015, multiple searches for airline tickets to Turkey, including queries for “turkey two-way tickets.”<sup>6</sup>
- On April 19, 2015, a visit to a web page for a discount travel company containing the results of a query for airline tickets from the United States to Istanbul, Turkey for one person departing between May 15 and June 3, 2015.
- On April 23, 2015, a visit to a web page containing, among other things, an hour-long English version of an ISIL propaganda video. The video depicts ISIL militants engaged in bombings, shootings, executions, kidnappings, and beheadings.

*Pen Register Data and Toll Records*

28. The FBI/JTTF has obtained pen register and toll data for phones used by CC-1, CC-3, DEFENDANT TOPAZ, and CC-2. That review revealed the following:

- From October 1, 2014 through April 28, 2015, a phone used by CC-1 throughout 2014 and up until mid-April 2014 (call number 201-258-9417) had:
  - 173 voice calls and 309 text messages with CC-3;
  - 202 voice calls and 10 text messages with DEFENDANT TOPAZ; and
  - 116 voice calls and 411 text messages with CC-2.
- From April 22, 2015 through June 3, 2015, a phone used by CC-1 beginning in mid-April 2014 (call number 201-245-1125) had:

---

<sup>6</sup> As discussed above, ISIL instructs recruits traveling from Western countries to evade scrutiny by using cover stories to hide the illegal purpose of their travel. Making travel arrangements that are consistent with those cover stories is also a technique recommended by ISIL. For example, an ISIL recruit who booked a round-trip ticket to Turkey would stand a better chance of persuading officials that he intended to return to the United States rather than joining the terrorist group in Syria or Iraq. In addition, in my training and experience, round-trip tickets can be less expensive than one-way tickets.

- 114 voice calls and 28 text messages with CC-3;
  - 38 voice calls and 12 text messages with DEFENDANT TOPAZ; and
  - 132 voice calls and 168 text messages with CC-2.
- From January 1, 2015 through June 9, 2015, CC-3's phone (call number 201-660-2858) had:
    - 154 voice calls and 54 text messages with CC-1;
    - 33 voice calls and 4 text messages with DEFENDANT TOPAZ; and
    - 3 voice calls and 0 text messages with CC-2.
  - From February 18, 2015 through June 9, 2015, DEFENDANT TOPAZ's phone (call number 201-233-6337) had:
    - 29 voice calls and 10 text messages with CC-1;
    - 16 voice calls and 41 text messages with CC-3; and
    - 18 voice calls and 63 text messages with CC-2.

#### **H. CC-2's Post-Arrest Statements**

29. As noted above, CC-2 was arrested on June 13, 2015. Following his arrest, CC-2 waived his *Miranda* rights and agreed to make statements. CC-2 stated that he had pledged allegiance to ISIL and was a "full-fledged" member of ISIL.

30. CC-2 stated he accompanied CC-1 to the airport when CC-1 left for Jordan. CC-2 further stated that CC-1 planned to travel to the caliphate after arriving in Jordan. CC-2 also stated that he accompanied CC-1 while shopping for items that CC-1 would need if he were "drafted" to go to war, including hiking boots and a hydration pack.

31. Finally, CC-2 stated that he had watched ISIL videos with CC-1 and DEFENDANT TOPAZ.

**I. DEFENDANT TOPAZ's Statements to the FBI/JTTF**

32. (S//NF) As stated above, on June 17, 2015, FBI/JTTF personnel executed search warrants at DEFENDANT TOPAZ's residence in Fort Lee, New Jersey. In interviews during and after the search, DEFENDANT TOPAZ provided the following information in response to questioning by FBI/JTTF personnel:

- DEFENDANT TOPAZ sympathized with ISIL and its activity and was aware that ISIL claimed to hold territory in Syria and Iraq;
- DEFENDANT TOPAZ stated that he watched ISIL videos with CC-1, CC-2, CC-3 including videos that depicted beheadings;
- DEFENDANT TOPAZ discussed with each of CC-1, CC-2, and CC-3 their desire to join ISIL and plans to travel to reach ISIL by transiting through intermediary countries;
- In those conversations, DEFENDANT TOPAZ stated his agreement with CC-1, CC-2, and CC-3 to travel with them to join ISIL; and
- DEFENDANT TOPAZ, CC-1, CC-2, and CC-3 used the term "hijrah" in their discussions and communications to refer to the act of traveling to the "Islamic State" (meaning ISIL).

**CONCLUSION**

33. Accordingly, Your Affiant respectfully requests that the Court approve the Criminal Complaint.

---

Suzanne Walsh, Special Agent  
Federal Bureau of Investigation

Sworn before me on this 18th day of June, 2015

---

HONORABLE CATHY L. WALDOR  
United States Magistrate Judge